

REMARKS

In the Office Action mailed February 14, 2005, the Examiner noted that claims 1-10 were pending, and rejected claims 1-10. Claims 3-5 and 8-10 have been amended, claims 1, 2, 6 and 7 have been canceled and, thus, in view of the forgoing claims 3-5 and 8-10 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action the Examiner rejected claims 2 and 4 under 35 U.S.C. section 112 paragraph 2 as indefinite. Claims 2 and 4 (as well as 7 and 10) have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 2 of the Office Action, the Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 102 as anticipated by Ford. Page 4 of the Office Action rejects claims 4, 5, 9 and 10 under 35 U.S.C. § 103 over Ford and Minamimoto. In particular, when rejecting claims 3 and 8 the Examiner points to Ford at col. 4, lines 20-31 and col. 2, lines 29-35. This text of Ford particularly states:

As previously discussed, to carefully optimize system performance it is necessary to determine the type of node utilized (i.e., 103, 104 and 105) at the various system node locations so as to be able to compensate for the various impairments which occur due to WDM channel add/drop reconfiguration, optical protection switching, incorrect power levels, crosstalk, self-phase and cross-phase modulation, etc. Moreover, while it is desirable to automate power level control at these nodes, control must be accomplished without causing the unstable and chaotic power level oscillations described in the previously referenced Yoo article.

(See Ford, col. 4, lines 20-31)

More particularly, in accordance with our invention, an optical control apparatus comprises a control signal monitor and an adjustable optical transmission unit. The control signal monitor is responsive to a detected first state of an input global control signal for outputting a output global control signal at a first state, and is responsive to a detected second state of the input global control signal for outputting the output global control signal at the first state and for generating an enable signal. The adjustable optical transmission unit is responsive to the enable signal for controlling the output signal level of a received input optical signal. The adjustable optical transmission unit is (1) responsive to the enable signal for adjusting the output signal level to a predetermined level and for generating the okay signal when the output signal level adjustment is completed, and (2) responsive to the absence of said enable signal for maintaining the output signal

level at its existing level. The control signal monitor is responsive to the okay signal for outputting the output global control signal at a second state.
(See Ford, col. 2, lines 21-39, inclusive of lines 29-35)

As can be seen from the above text, Ford discusses add/drop impairment compensation. Ford says nothing about using a feedback circuit at the time of a disconnection ("when an optical signal component of a wavelength of the WDM optical signal is **disconnected**, the feed-back circuit sets the attenuation amount of a variable attenuator assigned to the optical signal component to a predetermined value" - claims 3 and 8). This feedback adjustment when a disconnection or input signal cutoff occurs helps prevent optical surges that can be damaging to downstream optical units.

Minamimoto adds nothing to Ford with respect to this feature.

It is submitted that the invention of independent claims distinguishes over the prior art and withdrawal of the rejection is requested.


It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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